

**THE MINUTES
FOR THE SEPTEMBER 20, 2011
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
MEETING AT 6:00 P.M.**

Present: Mayor Doll, Trustees, Kehoe, McMullen and Tobin, Village Attorney James Matthews, Village Clerk Donna Koch, Village Administrator Gene Guido.
Trustee Maline arrived at 6:30 PM.

Mayor doll asked the Village Clerk to read the notice of public hearing to wit:

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 20th day of September, 2011, to consider the following proposed local law:

**PROPOSED LOCAL LAW "E" OF 2011
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 239, SEWERS,
OF THE CODE OF THE INCORPORATED
VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that amending the Code of the Village regarding the calculation of sewer rents upon the owners of property discharging into the Northport Sewerage System will allow for fair and equitable rents to be charged to users.

Section 2. Statutory Authority and Supercession

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, Article 14-F of the New York State General Municipal Law and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply as set forth in the amendments.

Section 4. Amendments

The code of the Incorporated Village of Northport shall be amended as follows:

Explanation of notations:

Existing zoning text is reproduced in regular type.

Text to be added is indicated in italics.

Text to be deleted is indicated in with a ~~Strikethrough~~.

Chapter 239-32. Determination and Administration of Charges

* * *

- L. Adjustments to Sewer Rents granted to property owners in prior years may be continued if the Board of Trustees finds that such adjustments fairly and accurately reflect water usage and discharges into the sewer system for the current year. The Board may require additional information or may rely upon information previously supplied. The sewer rent rate applicable to all properties shall take into consideration the adjustments that are continued.*

* * *

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. SEQRA

The Board of Trustees has determined that pursuant to §617.5(c) 20 and 27 of the SEQRA regulations this action of the Village of Northport is "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action . . ." and therefore, the proposed action of the Village of Northport in this matter is a Type II action and requires no further action pursuant to SEQRA.

Section 7. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

On the motion of Trustee McMullen and seconded by Trustee Tobin the public hearing was open.

Effie Huber questioned if the adjustments would be considered the same way as they were last year. Trustee Tobin answered yes.

On the motion of Trustee Kehoe and seconded by Trustee McMullen the hearing was closed.

PUBLIC PARTICIPATION:

Mr. & Mrs. Lemke of Ackerly Terrance addressed the Board regarding what could be done about the on-going erosion taking place on the hill behind their home which would be property along Woodhull Pl. The Lemkes had heard that there was a proposal for a new home to be built and they are concerned for their property. Mr. Matthews explained that there are plans in front of the Village engineers and those plans and comments will be available to the public once the engineers submit their findings.

Camille & Scott Lobar addressed the Board regarding the Village code and pool enclosures. Under the code any in-ground pool requires fencing around the pool. The Lobars feel it does not apply to their day spa, which is 2 feet deep around the edge and 3 feet deep in the middle. The Lobars feel a self closing, safety cover would suffice. The Lobars have offered to supply governmental statistics on the safety of pool covers as opposed to fencing. Trustee Tobin felt the Village needs to review what they submit. Ms. Lobar stated the code does not say anything about in-door pools.

BOARD APPROVAL OF WARRANT:

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following bills were approved for payment.

Fiscal Year 2011/2012 General Fund bills in the amount of \$ 49,278.31

On the motion of Trustee Tobin and seconded by Trustee McMullen the following bills were approved for payment

Fiscal Year 2011/2012 Sewer Fund (G) bills in the amount of \$ 1,224.83

On the motion of Trustee McMullen and seconded by Trustee Maline the following bills were approved for payment

Fiscal Year 2011/2012 Trust Fund bills in the amount of \$ 10,426.97

On the motion of Trustee Maline and seconded by Trustee Kehoe the following bills were approved for payment

Fiscal Year 2011/2012 Capital Fund bills in the amount of \$ 5,167.28

On the motion of Trustee Kehoe and seconded by Trustee Tobin the following bills were approved for payment

Fiscal Year 2011/2012 Fire Department bills in the amount of \$ 38,938.32

TREASURER REPORT:

COMMISSIONER REPORTS:

CHIEF OF POLICE REPORT:

ADMINISTRATOR'S REPORT: Mr. Guido reported the draft Stormwater management Program Plan is available for anyone to view.

NEW BUSINESS:

OLD BUSINESS:

CORRESPONDENCE: Letter from the Northport fire Department 125th Anniversary Committee. It was the consensus of the board to purchase one 125th Anniversary print from the Northport Fire department.

REQUESTS:

RESOLUTIONS:

On the motion of Trustee Maline and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2011- 139 ~ APPROVAL OF THE SEPTEMBER 6, 2011 MINUTES

WHEREAS: Copies of the minutes of the September 6, 2011, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Tobin and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2011- 140 ~ LOCAL LAW No. 4 of 2011

WHEREAS: a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 20th day of September, 2011, to consider the following local law:

**LOCAL LAW No. 4 OF 2011
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 239, SEWERS,
OF THE CODE OF THE INCORPORATED
VILLAGE OF NORTHPORT**

On the motion of Trustee Maline and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2011- 140 ~ PUBLIC WORKS TRAINING SCHOOL

BE IT RESOLVED: Village administrator Eugene Guido is hereby authorized to attend NYCOM Public Works School October 24th ~ 26th at Saratoga Springs New York. In an amount not to exceed \$900.00

The next regular meeting of the Board of Trustees will be on October 4, 2011 at 6:00 P.M

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

On the motion of Trustee Tobin and seconded by Trustee McMullen the Board moved into executive session. 8:00 PM

On the motion of Trustee Maline and seconded by Trustee McMullen the Board moved out of executive session. 9:25 PM

Meeting adjourned: 9:25 pm.

Respectfully submitted,

Donna M. Koch
Village Clerk